



PATENT  
Attorney Docket No.: 23452-012

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

IN RE APPLICATION OF: Douglas Walter CONMY, et al.  
SERIAL NUMBER : 09/100,133 EXAMINER : S.M. Meinecke Diaz  
FILING DATE : June 19, 1998 ART UNIT : 2163  
FOR : ELECTRONIC CALENDAR WITH GROUP SCHEDULING  
AND STORAGE OF USER AND RESOURCE PROFILES

Assistant Commissioner for Patents  
Washington, D.C. 20231

**DECLARATION OF JOHN BANKS-BINICI**

Sir:

I, John Banks-Binici, hereby declare as follows:

1. I am an inventor of the invention claimed in the above-identified patent application.
2. I have reviewed the Office Action of January 22, 2002, for the subject application, and I have also reviewed the current status of the claims.
3. The publication by Sybex titled, "The ABCs of Outlook 97", dated March 17, 1997, is alleged to describe subject matter similar to that disclosed in the subject patent application.
4. The publication by PC World Magazine titled "The Future is Bright for Microsoft Outlook 97" dated November 1, 1996, is alleged to describe subject matter similar to that disclosed in the subject patent application.
5. "Running Microsoft Windows" by Microsoft Press – dated June 25, 1997, is alleged to describe subject matter similar to that disclosed in the above-identified patent application.

6. Prior to November 1, 1996, the earliest publication date of the above-noted references, Douglas Walter Conmy, Steven Robert Beckhardt, Robert Slapikoff and I collectively completed the invention claimed in the above-identified patent application.
7. Prior to November 1, 1996, Douglas Walter Conmy, Steven Robert Beckhardt, Robert Slapikoff and I conceived of and reduced the invention claimed in the above-identified patent application to practice.
8. Since the claimed invention is incorporated in Lotus Notes version 4.50, released on December 4, 1996, the claimed invention was completed and reduced to practice well before November 1, 1996, as development of such software releases takes well more than the thirty-four (34) days between the November 1, 1996 date and the December 4, 1996 release date.
9. The invention claimed in the above-identified patent application enables a process for scheduling time intervals for a plurality of invitees and allows storage of user and resource profiles.
10. As evidence of the invention being completed and reduced to practice prior to November 1, 1996, a copy of the listing of the source code files from an archived CD-ROM disk (from the assignee's engineering department in which I am employed) which provides the features of the claimed invention is attached as Exhibit A.
11. The misc/timelist.c file listed on Exhibit A provides general purpose time/date and time/date range manipulation routines and algorithms for the invention claimed in the subject application. This file was created prior to November 1, 1996, and was last modified on November 15, 1996.
12. The nsf\schcntnr.c file listed on Exhibit A is a scheduling container. This file allows for the packaging of the data and represents the busy time data in memory for the invention claimed in the subject application. This file was created prior to November 1, 1996, and was last modified on November 12, 1996.

13. The nsf\schedule.c file listed on Exhibit A is a file associated with the server side task which collects the user's data for the invention claimed in the subject application. This file was created prior to November 1, 1996, and was last modified on November 12, 1996.
14. The nsf\schobj.c file listed on Exhibit A is a scheduling object and represents the in memory representation of the scheduling data for the invention claimed in the subject application. This file was created prior to November 1, 1996, and was last modified on October 24, 1996.
15. The nsf\schods.c file listed on Exhibit A represents scheduling On-Disk-Storage (ODS) which provides platform independent storage and transmission of scheduling data for the invention claimed in the subject application. This file was created prior to November 1, 1996 and was last modified on October 12, 1996.
16. The nsf/schrqst.c file listed on Exhibit A is the scheduling request file which responds to client requests for data for the invention claimed in the subject application. This file was created prior to November 1, 1996, and was last modified on October 22, 1996.
17. The schui/bsydata.cpp file listed on Exhibit A is a file that request and manages the scheduling information for the invitees for the invention claimed in the subject application. This file was created prior to November 1, 1996, and was last modified on October 31, 1996.
18. The schui/bsyinvit.cpp file listed on Exhibit A manages the invitees to the meeting for the invention claimed in the subject application. This file was created prior to November 1, 1996, and was last modified on October 29, 1996.
19. The schui/bsylist.cpp, schui/bsylist.hpp and schui/bsylistw.cpp files listed on Exhibit A comprise the U/I list element for graphically displaying the user's availability for the invention claimed in the subject application. These files were all created prior to

November 1, 1996 and were last modified on October 29, 1996, October 29, 1996, and October 15, 1996, respectively.

20. The schui/bsysugg.cpp file listed on Exhibit A manages the suggestions by processing the data received for the invention claimed in the subject application. This file was created prior to November 1, 1996 and was last modified on October 22, 1996.
21. While the majority of the files listed on Exhibit A were last modified prior to November 1, 1996, several of the files were modified on 11/12/96 or 11/15/96 (3 files). At that time in our development cycle, given that the final release was well underway, the changes made to those files at those times were merely modifications to fix bugs in the source code and did not add or extend any of the existing functionality or capabilities of the claimed invention. This can be further evidenced by the development comment files listed in Exhibit B regarding changes made to some of the source code files around that time.
22. Accordingly, in view of the above-identified evidence, the claimed invention was completed and reduced to practice prior to November 1, 1996.
23. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such willful and false statements may jeopardize the validity of the application or any patent issued thereon.

Date

7/1/02

  
John Banks-Binici



EXHIBIT A

Volume in drive E is V45SOURCESMAPS  
Volume Serial Number is C9D8-EE51

Directory of E:\

```
09/15/98  12:40p      <DIR>      .
09/15/98  12:40p      <DIR>      ..
09/15/98  12:40p      <DIR>      maps
09/15/98  12:40p      <DIR>      v4.5
          4 File(s)              0 bytes
                                0 bytes free

...
misc\timelist.c          70828    11-15-1996 11:27:34    RO
...
nsf\schcntnr.c           55805    11-12-1996 16:42:50    RO
nsf\schedule.c          171683   11-12-1996 16:37:06    RO
nsf\schobj.c             41280   10-24-1996 16:12:18    RO
nsf\schobjin.h           5850    10-24-1996 16:12:08    RO
nsf\schods.c             27287   10-12-1996 15:07:42    RO
nsf\schrqst.c            23671   10-22-1996 14:51:10    RO
...
schui\bsydata.cpp        21145    10-31-1996 11:52:30    RO
schui\bsyinvit.cpp       17617    10-29-1996 11:55:52    RO
schui\bsylist.cpp        16207    10-29-1996 13:05:06    RO
schui\bsylist.hpp        7052    10-29-1996 13:06:02    RO
schui\bsylistw.cpp       9376    10-15-1996 18:12:02    RO
schui\bsysugg.cpp        13703   10-22-1996 16:09:44    RO
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**EXHIBIT B**

From kit\dwc.txt, comments from Douglas Conmy:

Build 145.1

DWC 11/02(96) misc: Fixed incorrect profile display when the date/time crosses DST. [timelist.c] (#DCOY3B2ML6)

From kit\jeb.txt, comments from John Banks-Binici:

Build 145

JEB 9/19/96 nsf (145) check hCntnr for NULL before calling OSLock. Fix client to handle ctrl-break (#MMOO39M2EL)  
[schobj.c][schods.c] [schcntnr.c] [client\clschret.c]

JEB 9/19/96 nsf (145) don't infinitely loop on Calendar domain if it is same as current domain (#MMOO39M27U) (schedule.c)

JEB 10/4/96 bcase (145) allow NEXT button to work right when replicating free time info (#DCOY3A2SZK)  
[nsf\schedule.c][server\svschret.c][bcase\bcdsched.c]